

**Court of Appeals, Division One**  
**Criminal**

**1 CA-CR 15-0497**

**STATE v. ARMSTRONG**

**Appellate Case Information**

Case Filed: **4-Aug-2015**  
Case Closed:

**Dept/Composition**

**Dept B - July 2016**

Hon. Andrew W Gould  
Hon. Randall M Howe  
Hon. Kent E Cattani

**Side 1. STATE OF ARIZONA, Appellee**

(Litigant Group) STATE OF ARIZONA

- State of Arizona

**Attorneys for: Appellee**

Chris DeRose, Esq. (AZ Bar No. 23625)

**Side 2. JAMES LOYD ARMSTRONG, Appellant**

(Litigant Group) JAMES LOYD ARMSTRONG

- James Loyd Armstrong

**Attorneys for: Appellant**

Kevin D Heade, Esq. (AZ Bar No. 29909)

**CASE STATUS**

Aug 29, 2016....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2014-106804-001	Trafficking in Stolen Property, Class 3; Trafficking in Stolen Property, Class 3; Trafficking in Stolen Property, Class 3	2.5 Years; 2.5 Years; 4 years	M Scott McCoy, Sentencing	JURY	

**DESCENDENT CASE(S)**

ASC CR-16-0333-PR

**CASE DECISION**

**04-Aug-2016 MEMORANDUM DECISION**

Kent Cattani.....Author  
Andrew Gould.....Concur  
Randall Howe.....Concur

Filed: **04-Aug-2016**

Mandate:

Decision Disposition

**Affirmed**

**40 PROCEEDING ENTRIES**

1. 4-Aug-2015 FILED: Notice of Appeal from Maricopa County Superior Court filed 07/29/15. Notification to court reporters dated 7/29/15. Includes Designation of Record.
2. 9-Sep-2015 FILED: Motion for Extension of Time to File Transcripts (Terry Masciola)
3. 10-Sep-2015 FILED: Additional Record on Appeal  
Exhibits:  
Hearing Date 12/19/2014 - List # 1 in a manila envelope  
Hearing Date 06/02/2015 - List # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 24 25 26 in a manila envelope  
Sealed Items:  
Confidential Criminal History Addendum in Sealed Manila Envelope
4. 10-Sep-2015 FILED: Reporter's Transcript - 6/4/2015 - Trial Day 3 - A.M. (Vanessa M. Melstrom)
5. 10-Sep-2015 FILED: e-Record on Appeal:  
Instruments/Minute Entries: Combined  
Disposition Report: None  
Exhibits: None Sent with e-Record
6. 11-Sep-2015 FILED: First Motion for Extension of Time to File Transcripts (Jeanne Kappedal); First Motion for Extension of Time to File Transcripts (Jeane Kappedal) (DUPLICATE)

**Court of Appeals, Division One**  
**Criminal**

**1 CA-CR 15-0497**

**STATE v. ARMSTRONG**

**40 PROCEEDING ENTRIES**

7. 14-Sep-2015 ORDERED: Motion for Extension of Time to File Transcripts (Terry Masciola) = GRANTED. Due Dates EXTENDED to 10/29/2015 for Transcripts dated 06/03/2015, 06/04/2015, 06/08/2015, 06/09/2015 or OSC on 11/04/2015. FURTHER ORDERED: If transcripts are not filed, a monetary sanction shall be imposed in the amount of \$75 per day. Hon Samuel A Thumma - Author
8. 14-Sep-2015 FILED: Reporter's Transcript - 03/20/2015 - (Dianna Aldom)
9. 14-Sep-2015 ORDERED: First Motion for Extension of Time to File Transcripts (Jeanne Kappedal); First Motion for Extension of Time to File Transcripts (Jeanne Kappedal) (DUPLICATE) = GRANTED. Due date EXTENDED from Monday, 09-14-2015 to Wednesday, 10-14-2015 for transcript of proceeding held on 06/02/2015 or OSC on 10/21/2015. Hon Samuel A Thumma - Author
10. 1-Oct-2015 ORDERED: Court Reporter Rochelle Dobbins to appear for OSC on 10/21/2015 for transcripts dated 10/14/2014, 10/17/2014. Hon Samuel A Thumma - Author
11. 5-Oct-2015 FILED: Reporter's Transcripts - 10/14/2014 - (Rochelle L. Dobbins)
12. 5-Oct-2015 FILED: Reporter's Transcripts - 10/17/2014 - (Rochelle L. Dobbins)
13. 20-Oct-2015 FILED: Reporter's Transcript - 06/02/15 - (Jeanne Kappedal)
14. 28-Oct-2015 FILED: Reporter's Transcript - 06/08/2015 - Trial - (Terry Masciola)
15. 28-Oct-2015 FILED: Reporter's Transcripts - 07/09/2015 - Sentencing - (Terry Masciola)
16. 28-Oct-2015 FILED: Reporters Transcript - 6/04/2015 - (Terry Masciola)
17. 29-Oct-2015 FILED: Reporter's Transcript - 06/03/2015 - Trial - (Terry Masciola)
18. 4-Nov-2015 FILED: Notice of Completion of Record
19. 13-Nov-2015 FILED: Notice of Appearance; Certificate of Service (Appellant)
20. 2-Dec-2015 FILED: Motion to Remand to Trial Court for Reconstruction on the Record and Request for Extension of Time to File the Opening Brief; Certificate of Service (Appellant)
21. 9-Dec-2015 ORDERED: Request for Extension of Time to File the Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 12-21-2015 to Wednesday, 02-24-2016. FURTHER ORDERED: Motion to Remand to Trial Court for Reconstruction On the Record = GRANTED/Staying an appeal to/including 01/22/16 and revesting jurisdiction in Maricopa County Superior Court for permitting trial court parties to settle record in this matter. FURTHER ORDERED: Superior Court shall transmit certified copy of findings/reconstructed materials within five days after entry, no later than 01/25/16. FURTHER ORDERED: Appeal shall be automatically reinstated 01/25/16 without further order. Anthony Mackey ProTem Judge - Author
22. 1-Feb-2016 FILED: Motion to Order the Clerk of the Court to Supplement the Index; Certificate of Service (Appellant)
23. 8-Feb-2016 ORDERED: Motion to Order the Clerk of the Court to Supplement the Index (Appellant) = GRANTED/Granting the motion and supplementing the record by including the reconstructed amended indictment. FURTHER ORDERED: Superior Court shall transmit certified copy of findings/reconstructed materials within five days after entry, no later than 02/29/16. FURTHER ORDERED: Extending the due date for Opening Brief to and including 03/07/16. Anthony Mackey ProTem Judge - Author
24. 12-Feb-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
25. 4-Mar-2016 FILED: Appellant's Opening Brief; Certification of Compliance with Rule 31.13(b), ARCP; Certificate of Service (Appellant)
26. 14-Mar-2016 FILED: Notice of Appearance; Certificate of Service (Appellee)
27. 18-Apr-2016 FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
28. 28-Apr-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
29. 9-May-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
30. 12-May-2016 FILED: Appellant's Reply Brief; Certificate of Compliance with Rule 31.13(b), ARCP; Certificate of Service (Appellant)
31. 16-May-2016 FILED: Request for Oral Argument; Certificate of Service (Appellant)
32. 31-May-2016 CLNDR: CONFERENCE, Dept B - July 2016, 7-6-16, COURTROOM 2.

**Court of Appeals, Division One**  
**Criminal**

**1 CA-CR 15-0497**

**STATE v. ARMSTRONG**

**40 PROCEEDING ENTRIES**

- |     |             |  |
|-----|-------------|--|
| 33. | 2-Jun-2016  | ORDERED: Request for Oral Argument (Appellant) = GRANTED/Set for 07/6/2016, 10:00am, Courtroom 2, Department B, Twenty minutes per side. Hon Andrew W Gould - Author |
| 34. | 6-Jun-2016  | FILED: Return Receipt for Notice of Oral Argument (Appellant), signed by Kevin Heade on 06/06/2016.  |
| 35. | 22-Jun-2016 | FILED: Return Receipt for Notice of Oral Argument; Certificate of Service (Appellee), signed by Chris DeRose on 06/07/2016   |
| 36. | 6-Jul-2016  | FILED: Sign-in Sheet/Case is Under Advisement (Dept B)   |
| 37. | 4-Aug-2016  | MEMORANDUM DECISION (Affirmed) Hon Kent E Cattani Judge - Author; Hon Andrew W Gould - Concur; Hon Randall M Howe - Concur   |
| 38. | 4-Aug-2016  | FILED: Memorandum Decision Distribution List   |
| 39. | 29-Aug-2016 | FILED: Email Notice from ASC re: Petition for Review filed 8/26/16; request for partial record   |
| 40. | 30-Aug-2016 | FILED: Letter forwarding partial record to Arizona Supreme Court   |